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IAB # SH2382540



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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January 20, 2016

Captain Steven Katz
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #15-0349
L.A.S.D. File #015-08160-0590-055

Dear Captain Katz:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 10, 2015, non-fatal shooting of Tracey Anderson-Harris by Los Angeles Sheriff's Deputy Jeffery Johnsen. It is our conclusion that Deputy Johnsen acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on July 10, 2015, at approximately 12:40 p.m. The District Attorney Response Team comprised of Deputy District Attorney Renee Chang and District Attorney Investigator [redacted] responded and was given a briefing and walk-through of the scene by Lieutenant Holly Francisco.

The following analysis is based on reports submitted to our office by the Los Angeles Sherriff's Department (LASD) Homicide Bureau and the voluntary statement of Deputy Johnsen.

FACTUAL ANALYSIS

On July 10, 2015, at approximately 10:47 a.m., LASD Sergeant Julie Geary and LASD Deputy Jeffery Johnsen responded to a 9-1-1 call concerning a woman who was possibly bipolar and brandishing a firearm at family members in the area of Yorkshire Road and Lotus Avenue in a residential area of unincorporated Pasadena.

Geary was working by herself in a supervisory capacity and driving a marked patrol vehicle. Johnsen was working by himself in a separate, marked patrol vehicle. Both deputies were dispatched from the Temple Sheriff's Station. They arrived in the general area approximately five minutes later and searched the neighborhood in an attempt to locate the woman with the gun.

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Minutes later, a witness, later identified as [redacted] flagged down the deputies. While Geary advised assisting units that they had been flagged down, Johnsen spoke with [redacted] Geary then parked her patrol vehicle and retrieved her Taser from the backseat.

[redacted] told Johnsen that the woman they were looking for was armed with a handgun and inside a nearby residence adjacent to where the deputies had stopped their patrol vehicles. Johnsen immediately relayed that information to Geary who was unknowingly standing in the driveway of the woman's residence.

As Geary directed her attention to the residence and began to update assisting units to establish a containment, she saw the front door of the residence open and a woman, later identified as Tracey Anderson-Harris, walk out of the front door pointing a handgun at her and walking in her direction.

As Anderson-Harris closed the distance to within eight to ten feet of Geary, Geary yelled repeatedly at Anderson-Harris, "Put it down! Put it down!" As Anderson-Harris continued to walk toward her with the gun pointed in her direction, Geary threw her Taser down and retreated behind a nearby shrub to gain concealment and draw her service weapon. At the same time she yelled to Johnsen, "Johnsen, 417!" (Radio code for person with a gun).

Anderson-Harris responded, "So Johnsen's going to be the first to die today?" and fired a single gunshot in Geary's direction. The bullet did not strike Geary.

Johnsen, who was next door speaking with [redacted] heard Geary yell, "Put it down! Put it down! Johnsen, 417!" and heard the gunshot. Johnsen immediately drew his service weapon and ran toward Geary's position. When he came around a hedge separating the two houses he saw Anderson-Harris in a combat shooting position and pointing an object he believed to be a gun in the direction of where he had last seen Geary. Fearing for his life and Geary's life, he fired two or three rounds at Anderson-Harris, striking and disabling her with a single, non-fatal gunshot wound to her left shoulder and arm area. Anderson-Harris was treated at the scene by fire department personnel and transported to the hospital.

Johnsen was armed with his departmentally approved 9mm Beretta model 92FS semi-automatic pistol. His firearm was examined after the shooting and it was loaded with one live round in the chamber and twelve live rounds in the magazine. Johnsen said he carries his duty weapon with one live round in the chamber and fifteen live rounds in the magazine. Three expended 9mm Luger caliber cartridge cases were recovered from the scene.

Anderson-Harris was armed with a .38 special caliber Smith & Weston Model 640 revolver. When recovered, the cylinder was locked closed and one fired cartridge case was found at the top of the chamber, in line with the barrel. The remaining four chambers were empty. Investigators were not able to locate the bullet fired from this weapon at the scene.

Anderson-Harris was charged with assault with a firearm on a peace officer in case number GA097015. The case is currently set for a mental competency hearing on January 19, 2016.

CONCLUSION

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight…The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. Graham v. Conner (1989) 490 U.S. 386, 396-397.

The evidence examined in this investigation shows that Sergeant Julie Geary and Deputy Jeffery Johnsen responded to a call of a woman who was armed with a firearm and threatening family members and possibly bipolar. After the deputies arrived at the scene and called for assistance, Anderson-Harris exited her residence holding a loaded revolver. She pointed the gun at Geary at a distance of eight to ten feet away and threatened to kill Johnsen. Anderson-Harris failed to comply with Geary's orders to drop the gun. Anderson-Harris ultimately fired the gun at Geary and was in a position to fire at her again. Johnsen had no way of knowing that Anderson-Harris's gun only had one live round, which had already been fired. Johnsen, in fear for his life and Geary's life, intervened and fired his weapon at Anderson-Harris, striking and disabling her.

We conclude that Deputy Johnsen was placed in reasonable fear of death or great bodily injury by Anderson-Harris's actions and acted lawfully in self-defense and defense of others when he used deadly force against her. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

DAN AKEMON
Deputy District Attorney
(213) 974-3888

c: Deputy Johnsen, #[redacted]

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ADDENDUM

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY
ADDENDUM

SH2382540

SUBJECT: JEFFERY JOHNSEN
DEPUTY, #[redacted]

DATE(S) / TIME OF INCIDENT: JULY 10, 2015/1044 hours

LOCATION: [redacted] Yorkshire Road, Unincorporated Pasadena

ALLEGATIONS:

This investigation was initiated due to additional information received regarding the injuries sustained by Suspect Harris. The initial Internal Affairs Bureau investigation case book, regarding this investigation, was submitted and approved on December 21, 2016.

SYNOPSIS:

On December 21, 2016, the Internal Affairs investigative report was completed, submitted and approved. The purpose of this addendum is to provide additional information regarding the injuries sustained by Suspect Harris during the incident.

The initial Internal Affairs investigative summary stated Suspect Harris received one gunshot wound to her left shoulder. After further review of the Homicide casebook it was discovered Suspect Harris also sustained a gunshot wound to the buttocks area. **Refer to [Exhibit A page 73]**.